

REMARKS

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1-16 are now pending in this application.

§102 Rejection of the Claims

Claims 6-9 and 11-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Green (U.S. 6,496,881). Applicant does not admit that the Green patent is prior art and reserves the right, as provided by 37 C.F.R. § 1.131, to "swear behind" the Green patent. Applicant respectfully traverses the rejection of claims 6-9 and 11-16.

Applicable Law

"For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art . . . Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there." *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ2d 1481, 1490 (Fed. Cir. 1997).). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131.

Claims 6-9 and 11-16 are not anticipated by the Green patent because the Green patent does not disclose each and every element of these claims with sufficient clarity to prove the elements existence in the prior art.

Claims 6-9 and 11-16 are not anticipated by the Green patent because the Green patent does not to disclose all the elements included in these claims.

For example, claim 6 recites,

- a latch for turning off said bootstrap processor;
- a control unit for providing control signals for setting said latch,
- for resetting said latch and for controlling additional processors.

In contrast, the Green patent at column 5, lines 21-34 states,

In this example, the computer 30 includes a timer 71 associated with and operatively coupled to the processors 31-38 via a bus 80. The timer 71 may be part of the control logic 64. The control logic 64, in turn, is coupled to each of the VRMs 41-48 via a bus 81. As described in detail below, if the designated boot processor is operating correctly, it delivers a signal to the timer 71 via the bus 80 to stop the timer 71. However, if the designated boot processor is not operating correctly, the timer 71 times out and the control logic 64 receives a signal from the timer 71 indicating that the designated boot processor 31-38 has failed to boot the computer 30. In response, the control logic 64 disables the VRM associated with that processor to render the processor inoperable.

Thus, the Green patent describes a timer coupled to processors and control logic. However, there is no disclosure in the Green patent of a latch for turning off a bootstrap processor, as recited in claim 6. Further, there is no disclosure in the Green patent of a control unit for providing control signals for setting said latch and for resetting said latch, as recited in claim 6. In an attempt to supply a latch, the Office Action on page 2 relies on column 3, lines 19-23 of the Green patent which states,

Specifically, in this embodiment, the timer associated with the boot processor times out and delivers a signal to control logic if the boot processor does not boot the computer within a given time period. In response to this signal, the control logic delivers a signal to the VRM associated with the boot processor.

The cited portion of the Green patent discloses a timer delivering a signal to control logic, but fails to disclose a latch. A timer is not a latch, and would not be recognized as such by one of ordinary skill in the applicable art. Further, a mere recitation of "control logic" does not disclose a latch with sufficient clarity to prove its existence in the prior art, as required in order for a reference, in this instance the Green patent, to anticipate claim 6. Because the Green patent does not disclose each of the elements recited in claim 6, the Green patent does not anticipate claim 6.

In another example, claim 12 recites,

a latch for turning said bootstrap processor off;
said timer providing a signal indicating that a predetermined time
has expired, which is applied to said latch to set said latch;

As argued above, the Green patent does not disclose a latch, and therefore does not disclose a latch for turning a bootstrap processor off, and does not disclose a timer providing a signal that is applied to a latch to set the latch, as recited in claim 12. In addition, claim 12 recites,

said control unit providing a first signal to said latch for setting
said latch, a second signal applied to said latch for resetting said
latch, a third signal for controlling other processors and a fourth
signal for resetting the timer.

In an attempt to supply these elements recited in claim 12, the Office Action on page 2 merely states "[timer 71 of Fig. 2 and related disclosures]." Applicant disagrees that timer 71 and the "related disclosures" describe the elements included in claim 12 as quoted above. For example, the Green patent does not disclose a latch, and therefore cannot disclose a first signal to the latch for setting the latch, and a second signal applied to the latch for resetting the latch. A timer as recited in the Green patent and as relied on in the Office Action as disclosing the above quoted elements of claim 12 is not a latch, and therefore the reference in the Office Action to timer 71 of Fig. 2 in the Green patent does not disclose a latch, and the associated signals, as recited in claim 12. Because the Green patent does not disclose each of the elements recited in claim 12, the Green patent does not anticipate claim 12.

Claims 7-9 and 11 depend from claim 6, and therefore include all of the elements recited in claim 6. Claims 13-16 depend from claim 12, and therefore include all of the elements recited in claim 12. For at least the reasons stated above with respect to claims 6 and 12, dependent claims 7-9, 11, and 13-16 are not anticipated by the Green patent.

Because claims 6-9 and 11-16 are not anticipated by the Green patent, the 35 U.S.C. § 102(e) rejection of these claims cannot stand. Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 6-9 and 11-16, and reconsideration and allowance of all claims.

§103 Rejection of the Claims

§103 Rejection of the claim 10.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Green (U.S. 6,496,881). Applicant does not admit that the Green patent is prior art and reserves the right, as provided by 37 C.F.R. § 1.131, to "swear behind" the Green patent. Applicant respectfully traverses the rejection of claim 10.

The Green patent does not disclose all of the elements included in claim 10.

Claim 10 depends from claim 6, and therefore includes all of the elements recited in claim 6. Applicant believes they have shown that the Green patent does not disclose all of the elements recited in claim 6, and therefore does not disclose all of the elements included in claim 10.

In addition, the Office Action on page 3 admits that the Green patent does not "teach said control unit including a system I/O chip," but takes official notice of these elements recited in claim 10 and missing from the Green patent. Applicant traverses the taking of official notice and requests that the Examiner provide a reference that describes the elements recited in claim 10 and missing from the Green patent. If the Examiner cannot provide such a reference, Applicant requests that the Examiner submit an affidavit as required by MPEP § 2144.03. If the Examiner cannot provide an affidavit, Applicant requests withdrawal of the rejection and reconsideration and allowance of claim 10.

§103 Rejection of the claims 1-5.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natsu (U.S. 5,790,850) in view of Green (U.S. 6,496,881). Applicant respectfully traverses the rejection of claims 1-5.

The Office Action does not show how the proposed combination of the Natu patent and the Green patent discloses each of the elements included in claims 1-5.

Claim 1 recites, "setting a latch for disabling said bootstrap processor if the testing indicates a failure." The Office Action on page 4 relies on the Green patent as supplying these elements. However, Applicant believes they have shown the Green patent does not disclose a latch, and therefore cannot disclose setting a latch for disabling said bootstrap processor if the testing indicates a failure, as recited in claim 1.

Further, the Office Action does not rely on another reference to disclose setting a latch for disabling said bootstrap processor if the testing indicates a failure as recited in claim 1. Therefore, the Office Action does not show how the proposed combination of the Natu patent and the Green patent discloses each of the elements recited in claim 1. Because the Office Action does not show how the proposed combination of the Natu patent and the Green patent discloses each of the elements recited in claim 1, the 35 U.S.C. §103(a) rejection of claim 1 cannot stand.

Claims 2-5 depend from claim 1, and therefore include all of the elements recited in claim 1. For at least the reasons stated above with respect to claim 1, dependent claims 2-5 are not obvious in view of the proposed combination of the Natu patent and the Green patent. Thus, the 35 U.S.C. § 103(a) rejection of claims 2-5 cannot stand.

For at least the reasons stated above, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-5, and reconsideration and allowance of all claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6904) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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